



RESOLUTION NO. 2009-49

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING RESOLUTION NO. 2003-137 AS AMENDED BY RESOLUTION NO. 2005-4 AND 2005-116 RELATING TO THE REGULAR COUNCIL MEETING DATE AND DEADLINE FOR SUBMISSION OF AGENDA MATERIALS

WHEREAS, in accordance with Section 504 of the Charter of the City of Fresno, the Council established Rules of Procedure for the conduct of meetings of the Council in Resolution 2003-137, as amended by Resolution No. 2005-4 and 2005-116; and

WHEREAS, the Council desires to amend Rule No. 4 and No. 5 to the Rules of Procedure regarding the regular Council meeting day and the deadline for submission of agenda materials.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

SECTION 1. PURPOSE.

The purpose of this Resolution is to change the regular Council meeting day to Thursday at 8:30 a.m., and to establish a new deadline for submission of agenda materials. This procedure is in addition to, and not in place of, applicable ordinances and statutes. In the event of conflict between any part of this Resolution and applicable ordinances and statutes, the latter shall govern.

SECTION 2. AMENDING RULES NO. 4 AND NO. 5 TO THE RULES OF PROCEDURE.

The Council hereby amends and supercedes Rules No. 4 and No. 5 to the Rules of Procedure by adopting Rule No. 4 and No. 5, which are attached hereto as "Attachment A".

SECTION 3. Except as otherwise amended in this Resolution, Resolution No. 2003-137, as amended by Resolutions No. 2005-4 and 2005-116, remains in full force and effect.

Adopted _____
Approved 2/24/09
Effective _____

2009-49



CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 24th day of February, 2009.

AYES : Borgeas, Brand, Caprioglio, Perea, Xiong, Sterling
NOES : Dages
ABSENT : None
ABSTAIN : None

Mayor Approval: _____ N/A _____, 2009

Mayor Approval/No Return: _____ N/A _____, 2009

Mayor Veto: _____ N/A _____, 2009

Council Override Vote: _____ N/A _____, 2009

REBECCA E. KLISCH
City Clerk

By: Rebecca Klisch
~~Deputy~~

APPROVED AS TO FORM:

By: [Signature]
JAMES C. SANCHEZ
City Attorney

Date: _____, 2009

JCS:skl [48022skl-jcs Reso] 02/11/09



ATTACHMENT A

RULE NO. 4

MEETINGS

- a. Regular meetings of the Council will be held each Thursday at 8:30 a.m. in the Council Chambers of City Hall.
- b. Each year, at the second regular meeting in January, Council shall adopt its annual calendar of meetings. The calendar may be amended by Council minute resolution.
- c. Special meetings of the Council may be called at any time by the President of the Council or, in his/her absence, by the Acting President. A special meeting may also be called upon the determination of four members of the Council. Twenty-four hour notice of any special meeting shall be given in accordance with the Ralph M. Brown Act (hereinafter "Brown Act").¹
- d. All meetings of Council shall be held in open session unless expressly authorized as closed sessions under the Brown Act.²
- e. Emergency meetings may be held upon finding by a majority vote of the Council that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety. Council may convene such emergency meetings without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that City complies with all provisions of the Brown Act³ and other applicable law.

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¹ Government Code §§ 55950 et seq., as amended. Fresno Municipal Code § 2-302.

² Government Code §§ 54950 et seq., as amended. Fresno Municipal Code § 2-308.

³ Government Code § 54956.5.



RULE NO. 5

COUNCIL AGENDA

- a. The Mayor, Councilmembers, City Manager, City Clerk and City Attorney may place items on a Council Agenda.
- b. All proposed resolutions, ordinances and contracts shall be approved as to form by the City Attorney's Office prior to placement on the Council Agenda.
- c. Each Councilmember shall place no more than two items on the Agenda. Consent items and proclamations are excepted from this rule.
- d. The general rule is to limit timed items to public hearings as defined in Rule 17. Any requests for a timed item shall be submitted to the City Clerk by 2:00 p.m. of the fifth business day prior to the Council meeting at which they are to be submitted. This will allow for approval by the Council President per Rule 5g. Timed items may also be set at a Council meeting.
- e. All reports, communications, ordinances, resolutions, contracts, and other matters to be submitted to the Council shall be delivered to the City Clerk prior to 5:00 p.m. of the fifth business day prior to the Council meeting at which they are to be submitted.⁴
- f. The City Clerk shall immediately arrange a list of such matters according to the order of business as determined by these rules.
- g. The Council President, City Clerk, City Manager and City Attorney shall meet prior to the printing of the final agenda to ensure the agenda is not overly congested and that agenda items are appropriately worded to meet Brown Act requirements. All final decisions on matters regarding the agenda shall reside with the Council President. City Clerk shall notify affected Councilmember or department of any changes prior to the issuance of final agenda.
- h. The City Clerk shall furnish each member of the Council, the Mayor, the City Manager, the City Attorney, and department directors with a copy of the agenda prior to the Council meeting and as far in advance of the meeting time as time for preparation will permit.

⁴ Fresno Municipal Code § 2-303(a).



- i. No item shall be placed on the Council Agenda except in accordance with the Brown Act,⁵ the Fresno Municipal Code, and this Rule.
- j. The City Clerk shall post and prepare the Agenda in accordance with the Brown Act.⁶

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⁵ Government Code §§ 54950 et. seq.

⁶ Government Code §§ 54950 et seq., as amended. Fresno Municipal Code § 2-303(b).